## REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, receipt of the 06/27/2007 Office Action. This amendment is responsive to the 06/27/2007 Office Action. Independent claims 1, 10 and 20 have been amended. The additional elements in claims 1, 10 and 20 are not new matter as they were disclosed in claims 5 and 14, and Figs 1 and 2 of the original specification. Claims 6-7 and 15-16 have been amended to update their dependencies. In addition claims 6 and 15 were amended to recite that the antenna arrangement is substantially perpendicular to the signal reflecting member while in the first position and is substantially parallel with the signal reflecting member while in the second position. This is not new matter as it is disclosed in Figs. 1 and 2 of the original specification. Claims 5, 14 and 25-26 have been canceled. Reconsideration of the application as now amended is requested for reasons that will now be set forth.

## PRIOR ART REJECTIONS

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Proctor et al. (US 7,233,627; *hereinafter* Proctor). For reasons that will now be set forth, the claims as currently standing are not anticipated by Proctor.

Independent claim 1 recites an antenna arrangement configured to selectively vary between a first operational position and a second operational position. A signal reflecting member is positioned to cooperate with the antenna arrangement while the antenna arrangement is in the second position to establish a directional mode configuration that is perpendicular to the signal reflecting member. A pivot member is coupled to the antenna arrangement for pivotally varying the antenna arrangement between the first and second positions. In the first position, the antenna arrangement operates as an omni-directional antenna. In the second position, the antenna operates in a directional configuration.

By contrast, Proctor is for a method for synchronizing a CDMA receiver to a transmitter when an adaptive antenna is utilized to receive transmitted data, wherein the receiving antenna is adapted between a 360 degree reception angle pattern (i.e. an omni-directional pattern) and a fixed reception angle (i.e. a directional pattern) (col. 5,lines 37-41). The receiver identifies the

pilot signal having the greatest magnitude as a result of permitting the receiver to minimize interference from other pilot signals by steering antenna pattern nulls toward other transmitters (*Id.* at lines 41-45). Steering is achieved by utilizing a digital to analog converter to up-load a specific phase angle to a phase shifter which is attached to each element such that the antenna system is caused to point toward a specific corresponding phase angle (col. 8, lines 27-31). In other words, changing from omni-directional to directional is accomplished by changing phase angles to antenna elements, not by physically re-orientating the antenna system between first and second positions.

From the foregoing, Proctor does not disclose a reflecting member that is positioned to cooperate with the antenna arrangement while the antenna arrangement is in the second position to establish a directional mode configuration that is perpendicular to the signal reflecting member. In addition, Proctor does not disclose a pivot member for varying the antenna arrangement between the first position and the second position.

Claims 2-4 and 6-9 directly depend from claim 1 and therefore contain each and every element of claim 1. Therefore claims 2-4 and 6-9 are not anticipated by Proctor for the same reasons set forth for claim 1.

Claim 10 is directed to a wireless access point that includes the configurable antenna arrangement of claim 1 and therefore is not anticipated by Proctor for the same reasons as already set forth for claim 1.

In addition to the reasons set forth above, claims 6 and 15 recite that the antenna arrangement is substantially perpendicular to the signal reflecting while in the first position (see Fig. 1 –omni-directional mode) and is substantially parallel to the signal reflecting member while in the second position (see Fig. 2 – directional mode). As stated herein *supra,* Proctor switches from omni-directional mode to directional mode by varying phase angles of the antenna elements, not by re-orienting the position of the antenna arrangement as recited in claims 6 and 15. Therefore, in addition to the reasons set forth in claims 1 and 10, claim 6 and 15 respectively are also not anticipated by Proctor.

Claim 20 recites a method that comprises operating an antenna arrangement in an omni-directional mode while in a first position that is perpendicular to a signal reflecting element and operating the antenna arrangement in a directional mode while the antenna is in a second

position. The antenna arrangement is substantially perpendicular with a signal reflecting member while in the first position and the antenna arrangement is substantially parallel with the signal reflecting member while in the second position, wherein the signal reflecting member reflects signal from the antenna arrangement in a direction that is substantially perpendicular to the reflecting member while the antenna arrangement is in the second position. As already noted herein with respect to claims 1, 6 and 16, Proctor does not disclose operating in a omni-directional mode while perpendicular to a signal reflecting member and operating in a directional mode while parallel with the signal reflecting member.

Claims 21-14 and 27 directly depend from claim 20 and therefore contain each and every element of claim 20. Therefore, claims 21-24 and 27 are not anticipated by Proctor for the reasons already set forth for claim 20.

## CONCLUSION

In view of the foregoing withdrawal of the rejection is requested and a Notice of Allowance is earnestly solicited. The examiner is invited to contact the undersigned if there are any other matters to be resolved in the prosecution of this case. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00019.

Respectfully submitted,

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